

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES	)	CASE NO.
COMPANY FOR AN ADJUSTMENT OF ITS	)	2012-00221
ELECTRIC RATES	)	

O R D E R

On August 1, 2012, Bruce W. Nunn (“Petitioner”) filed a letter, which will be treated as a petition, requesting authorization to intervene in this case. Petitioner states that now is not the time to allow Kentucky Utilities Company (“KU”) a rate increase because gas prices are hovering at \$3.50 to \$4.00 a gallon, there is a housing market crash and people are losing their homes, and there is massive unemployment with job losses and business closings. Petitioner does not state that he is a customer of KU, but based on the return address on the envelope containing his petition, he appears to be within KU’s service territory. On August 3, 2012, KU filed a response objecting to Petitioner’s request to intervene.

The only person with a statutory right to intervene is the Attorney General (“AG”), pursuant to KRS 367.150(8)(b). That statute authorizes the AG to participate “on behalf of consumer interests.” The AG petitioned for full intervenor status in this case, noting in his motion that KRS 367.150(8) “grants him the right and obligation to appear before regulatory bodies of the Commonwealth of Kentucky to represent

consumers' interests."<sup>1</sup> The AG's petition was granted by the Commission's Order dated June 27, 2012. Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>2</sup>

In exercising our discretion to determine permissive intervention, there are both statutory and regulatory limitations on the Commission. The statutory limitation, KRS 278.040(2), requires that "the person seeking intervention must have an interest in the 'rates' or 'service' of a utility, since those are the only two subjects under the jurisdiction of the PSC."<sup>3</sup> The regulatory limitation is set forth in 807 KAR 5:001, Section 3(8). That regulation requires a person seeking intervention to file a request in writing which "shall specify his interest in the proceeding."<sup>4</sup> That regulation further provides that:

If the commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that full intervention by party is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings, such person shall be granted full intervention.<sup>5</sup>

It is under these statutory and regulatory criteria that the Commission reviews a motion for permissive intervention.

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<sup>1</sup> AG's Motion to Intervene at 1.

<sup>2</sup> *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

<sup>3</sup> *EnviroPower, LLC v. Public Service Comm'n*, No. 2005-CA-001792-MR, 2007 WL 289328 (Ky. App. Feb. 2, 2007).

<sup>4</sup> 807 KAR 5:001, Section 3(8)(b).

<sup>5</sup> *Id.*

Based on a review of Petitioner's request, the Commission finds that the issues he raises, which relate to the price of gasoline, the housing market, and unemployment rates, are beyond the scope of our jurisdiction. Petitioner does not articulate a special interest in this proceeding. His only interest is as a ratepayer, and that is a general interest that he shares in common with all other KU customers. As a utility customer of KU, the Commission finds that the AG, pursuant to KRS 367.150(8), will duly represent the interests of all KU customers in this matter. In addition, Petitioner has not shown that he is likely to present issues or to develop facts that will assist the Commission in resolving this matter. Because the requisites of 807 KAR 5:001, Section 3(8), have not been satisfied, the Commission will deny Petitioner's request for intervention.

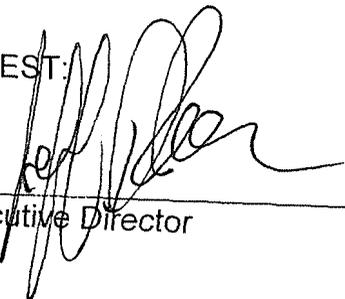
Petitioner will have ample opportunity to participate in this proceeding even though he has not been granted intervenor status. Petitioner can review all documents filed in this electronic case and monitor the proceedings via the Commission's website at the following web address: [http://psc.ky.gov/efs/efs\\_search.aspx?case=2012-00221](http://psc.ky.gov/efs/efs_search.aspx?case=2012-00221). Petitioner may also file comments as frequently as he chooses, and his comments will be entered into the record of this case. All members of the public also may be afforded an opportunity to address the Commission in person, either immediately prior to any evidentiary hearing in this matter or in any meetings the Commission schedules for the express purpose of receiving public comments.

IT IS THEREFORE ORDERED that Mr. Nunn's petition to intervene is denied.

By the Commission

ENTERED #  
AUG 09 2012  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2012-00221

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